# IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 145 OF 2006

IN

CRIMINAL MISC. APPLICATION NO. 134 OF 2006

M/S VENUS STEEL PRODUCTS,RAIA,SALCETE,GOA. ....Applicant

Versus

SHRI MICHAEL FRANCIS PINHEIRO(SIN.DEC.) THROUGH HIS WIDOW,HELEN PINHEIRO, MARGAO - GOA. ....Respondent

Petitioner present in Person.

Mr. D. Pangam, Advocate for the Respondent.

Coram:- N. A. BRITTO, J.

Date:- 18th March, 2006

P.C.

Heard the petitioner in person. The petitioner submits that his Counsel Shri Arun Bras De Sa will not be attending the Court today and he wishes to make submissions in support of his application in person. The petitioner submits, he has already suffered two heart attacks and that some leniency be shown to him by converting the sentence of imprisonment into a sentence of fine alone.

2. Shri Pangam, the learned Counsel on behalf of the respondent submits that the averments made in the application are incorrect and that there has been no compounding of any sentence imposed against the

applicant herein, who is an accused.

3. It can be seen from the Order dated 17.01.2003, that the applicant herein was sentenced under Section 138 of the Negotiable Instruments Act, 1881, and the sentence was reduced to ten days S.I. and Rs.10,000/- to be paid by way of compensation and in default, to undergo further ten days S.I. By Order of this Court in disposing of Cr.M.A. no. 134/2006, what was settled was the payment of the said compensation of Rs.10,000/-, which was deposited by the accused and which was ordered to be paid to the Complainant/respondent. In other words, the applicant/accused has still to undergo the sentence of ten days as ordered by the learned Assistant Sessions Judge, Margao, by his Judgment/Order dated 17.01.2003. A revision filed against the said Order dated 17.01.2003, was rejected by this Court, and subsequently, another application filed, purported to be under Section 482 of the Criminal Procedure Code 1973, was rejected by Order dated 06.05.2005. The applicant/accused then filed Writ Petition against the said Order being Criminal Writ Petition No.39/2005, which again was dismissed by Order dated 19.01.2006, and inspite of the said application having been dismissed, the applicant/accused has again preferred this application, again purporting it to be, under Section 482 of the said Code.

4. Needless to observe, the Order of the learned Assistant Sessions Judge, dated 17.01.2003, has attained finality and cannot be interfered with only because the applicant/accused has been filing one application after another. At this stage, there is absolutely no scope of reducing the said sentence, in the circumstances, narratted hereinabove. Hence the application is dismissed.

N. A. BRITTO, J.

arp/*